IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.9397 of 2008
RAMPRIT CHAUDHARY @ JUDAGI CHAUDHARY
Versus
THE STATE OF BIHAR
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2 **06.05.2008** Heard counsel for the petitioner and the State.

The application for bail is in a case under Section 376 (g) of the Indian Penal Code and 3 SC & ST Atrocities Act.

The prosecution case is that while the victim lady was sleeping in a house 8-10 persons entered into her house and forcefully raped her.

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Learned counsel for the petitioner submits that the victim lady has filed a case under Section 125 of the Cr.P.C. in which she has claimed that she is the wife of the petitioner. The case of the informant was disbelieved and the Principal/Family Court, Gaya has dismissed the same on 26.08.2006 on the ground that the informant case that she was married to this petitioner was disbelieved. The victim lady has identified two persons namely Kishori Thatera and Shalendra Mahto out of the accused persons.

Learned counsel for the petitioner

submits that 8-10 unknown persons entered into her house and committed rape. It is submitted that the victim lady has failed to show that she was married to the petitioner as is apparent from Annexure-3 and secondly it is submitted that the petitioner was not present on the date of occurrence.

Be that as it may, the petitioner, Ramprit Chaudhary @ Judagi Chaudhary is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount in Khizarsarai P.S. Case No. 21 of 2006 to the satisfaction of learned Chief Judicial Magistrate, Gaya.

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Vikash/- **(Sheema Ali Khan, J.)**